

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

BRAYDEN JOHNSON, LOGAN RHINES,
and KAYLA SAVAGE, individually, and on
behalf of all others similarly situated,

Plaintiffs,

v.

THE UNIVERSITY OF OKLAHOMA,
ET AL.

Defendants.

Case No. 5:24-cv-00495-PRW

DEFENDANTS’ NOTICE OF SUPPLEMENTAL AUTHORITY

Under LCvR 7.1(l), Defendants the University of Oklahoma, Joseph Harroz, Jr., Jeff Blahnik, Courtney Henderson, and Dorion Billups (the “University”) notify the Court of supplemental authority supporting Defendants’ motion to dismiss [ECF No. 49]. *See **Exhibits 1 and 2.***

In *Lowery v. Texas A&M University, et al.*, No. 23-20481 (5th Cir.), the Fifth Circuit affirmed a district court order, *see Lowery v. Texas A&M Univ.*, 696 F. Supp. 3d 272 (S.D. Tex. 2023), dismissing a putative class action, which alleged that Texas A&M University and university officials discriminated against professorship applicants based on race and sex. The Fifth Circuit affirmed the district court’s finding that the plaintiff lacked standing to challenge hiring practices for a position he had not yet applied to.

This authority is relevant to the proposition in the University’s briefs that Plaintiffs Brayden Johnson, Logan Rhines, and Kayla Savage cannot establish standing based on a generalized interest in preventing discrimination—they must allege that they applied for and were denied specific scholarships, which they did not do. *See* ECF No. 50 at 22–23; ECF No. 52 at 9.

Date: November 12, 2024

Respectfully submitted,

Armand Paliotta, OBA #15320
UNIVERSITY OF OKLAHOMA
Office of Legal Counsel
660 Parrington Oval, Suite 213
Norman, Oklahoma 73019
Telephone: (405) 325-4124
Facsimile: (405) 325-7681
apaliotta@ou.edu

University General Counsel

/s/ Michael Burrage

Michael Burrage, OBA No. 1350
Patricia A. Sawyer, OBA No. 30712
WHITTEN BURRAGE LAW FIRM
512 North Broadway Avenue, Ste 300
Oklahoma City, OK 73102
Telephone (405) 516-7800
Facsimile (405) 516-7859
mburrage@whittenburragelaw.com
psawyer@whittenburragelaw.com

Hayley E. Hanson, *admitted PHV*
Derek Teeter, *admitted PHV*
Michael T. Raupp, *admitted PHV*
HUSCH BLACKWELL LLP
4801 Main, Suite 1000
Kansas City, MO 64112
T (816) 983-8000
F (816) 983-8080
hayley.hanson@huschblackwell.com
derek.teeter@huschblackwell.com
michael.raupp@huschblackwell.com

Daniel G. Solomon, *admitted PHV*
HUSCH BLACKWELL LLP
1801 Penn. Ave, NW, Suite 1000
Washington, DC 20006
T (202) 378-2300
danny.solomon@huschblackwell.com

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that, on November 12, 2024, I filed a copy of the foregoing with the Court using the ECF system, which sent electronic notification to all counsel of record.

/s/ Michael Burrage

Michael Burrage